

REMARKS

This Response is submitted in reply to the Office Action dated August 16, 2007. Claims 1, 10, 18, 29, 37, 48, 56, 57, 58, 62, 66 and 67 have been amended. Claims 5, 13, 22, 32, 41 and 52 have been cancelled without prejudice or disclaimer. No new matter has been added by these amendments.

A Petition for a One-Month Extension of Time is submitted herewith. Please charge deposit account number 02-1818 for this Petition and any fees which may be due in connection with this Response.

The Office Action rejected Claims 1 to 67 under 35 U.S.C. §102(e) as being anticipated by U.S. Published Patent Application No. 2003/0036419 to Baerlocher et al. ("Baerlocher").

Baerlocher discloses a gaming device which has award modification options for player selectable awards. The gaming device randomly generates a plurality of positions or digits of an award and enables the player to pick which position or digit receives a first randomly generated number, which digit receives a second randomly generated number, etc., until each of the positions have a number, whereby the gaming device determines the player's ultimate award based on the order of the number in the positions. In one version, the gaming device enables the player to decide whether to keep the currently generated award or risk the award and let the award modification take place. In another version, the gaming device automatically provides the award modification option to the player. In another version, the gaming device randomly generates one of the modification methods when the player decides to modify rather than keep a generated award. The modification methods include, among others: scrambling or rearranging the digits of an original award, completely regenerating the award, adding a digit to the award, subtracting a digit from the award and multiplying the award.

Amended independent Claim 1 is directed to a gaming device including, amongst other elements, a plurality of offer components, wherein each of the offer component has an activated and a deactivated state, a plurality of awards, wherein each of the awards has an award value and each of the awards is associated with one of the offer

components for a play of a game, and a plurality of different displayed component number modifiers, wherein each component number modifier has a displayed value. Amended independent Claim 1 further includes a processor programmed to display a selection of at least one of the displayed component number modifiers.

Applicants respectfully submit that Baerlocher does not anticipate or render obvious displaying the different component number modifiers, displaying the value of each component number modifier and displaying a selection of at least one of the displayed component number modifiers. While Baerlocher discloses a plurality of modifications methods, Baerlocher does not anticipate or render obvious displaying each of the different modification methods nor does Baerlocher disclose displaying the value of each modification method. For example, while Baerlocher discloses that the modification method may include adding a digit to the award or subtracting a digit from the award and Baerlocher further discloses that the game may repeat this process a predetermined number of times, Baerlocher does anticipate or render obvious disclose displaying the different modifications methods and also displaying the number of times, if any, such modifications methods will be repeated. Moreover, Applicants submit that while Baerlocher discloses randomly generating one of the different modification methods to apply, Baerlocher does not anticipate or render obvious the displaying of a selection of which modification method to apply. On the other hand, the gaming device of amended independent Claim 1, includes a plurality of different displayed component number modifiers, wherein each component number modifier has a displayed value and a selection of at least one of the displayed component number modifiers is displayed.

Applicants further submit that under the Office Action's interpretation that the digits of Baerlocher are viewed as offer components, Baerlocher does not anticipate or render obvious that each of the awards is associated with one of the offer components for the play of the game. That is, in Baerlocher, the value associated with one or more of the digits are modified (e.g., scrambled or rearranged) when the award modification occurs. For example, if a first award of Baerlocher is 536 and the award is modified to a second award of 653, then the value or award value associated with the first digit (i.e., first offer component) is modified from 5 to 6, the value or award value associated with

the second digit (i.e., second offer component) is modified from 3 to 5 and the value or award value associated with the third digit (i.e., third offer component) is modified from 6 to 3. Accordingly, in Baerlocher, the award values associated with each of the offer components are modified or change as the game is played. On the other hand, in the gaming device of amended independent Claim 1, each of the awards is associated with one of the offer components for the play of the game. That is, in the gaming device of amended independent Claim 1, each award remains associated with the same offer component for the play of the game and is not otherwise modified. For at least these reasons, Applicants respectfully submit that amended independent Claim 1 is patentably distinguished over Baerlocher and in condition for allowance.

As the gaming devices of amended independent Claims 18, 37, 56, 58 and 66 each include, amongst other elements, that each of the awards is associated with one of the offer components for the play of the game and that a processor is programmed to display a selection of at least one of the displayed component number modifiers (Claims 18, 37, 56 and 58)/display a determination of a number of activated offer components to change (Claim 66), Applicants respectfully submit that for similar reasons to those described above with respect to amended independent Claim 1, the gaming devices of amended independent Claims 18, 37, 56, 58 and 66 are also patentably distinguished over Baerlocher and are in condition for allowance.

Amended independent Claim 10 is directed to a gaming device including, amongst other elements, a plurality of offer components, wherein each of the offer component has an activated and a deactivated state, a plurality of awards, wherein each of the awards has an award value and each of the awards is permanently associated with one of the offer components for a play of the secondary game, a plurality of displayed component number modifiers, wherein each component number modifier has a displayed value and if the player rejects the offer, a selection of at least one of the displayed component number modifiers is displayed.

Applicants respectfully submit that, as described above and unlike the gaming device of Claim 10, Baerlocher does not anticipate or render obvious a plurality of displayed component number modifiers, wherein each component number modifier has

a displayed value nor does Baerlocher anticipate or render obvious that after the occurrence of the triggering event, if the player rejects the offer, a selection of at least one of the displayed component number modifiers is displayed. On the other hand, the gaming device of amended independent Claim 10 includes a plurality of displayed component number modifiers, wherein each component number modifier has a displayed value and after the occurrence of the triggering event, if the player rejects the offer, a selection of at least one of the displayed component number modifiers is displayed.

Applicants further submit that under the Office Action's interpretation that the digits of Baerlocher are viewed as offer components, Baerlocher does not anticipate or render obvious that each of the awards is permanently associated with one of the offer components for a play of the secondary game. That is, as described above, in Baerlocher, the value associated with one or more of the digits are modified (e.g., scrambled or rearranged) when the award modification occurs and thus each of the awards is not permanently associated with one of the offer components for a play of the secondary game. On the other hand, in the gaming device of amended independent Claim 10, each of the awards is permanently associated with one of the offer components for a play of the secondary game. For at least this reason, Applicants respectfully submit that amended independent Claim 10 is patentably distinguished over Baerlocher and is in condition for allowance.


As the gaming devices of amended independent Claims 29, 48, 57, 62 and 67 each generally include, amongst other elements, that each of the awards is permanently associated with one of the offer components for a play of the secondary game, and that after the occurrence of the triggering event, if the player rejects the offer, a selection of at least one of the displayed component number modifiers is displayed (Claims 29, 48, 57 and 62)/ a determination of a number of activated offer components to change is displayed (Claim 67), Applicants respectfully submit that for similar reasons to those described above with respect to amended independent Claim 10, the gaming devices of amended independent Claims 29, 48, 57, 62 and 67 are also patentably distinguished over Baerlocher and are in condition for allowance.

Claims 2 to 9, 11 to 17, 19 to 28, 30 to 36, 38 to 47, 49 to 55, 59 to 61 and 63 to 65 depend directly from amended independent Claims 1, 10, 18, 29, 37, 48, 58 and 62 are also allowable for the reasons given with respect to Claims 1, 10, 18, 29, 37, 48, 58 and 62 and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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